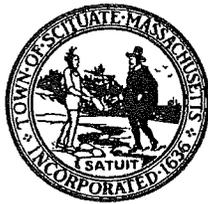


TOWN OF SCITUATE

*Planning Board*



600 Chief Justice Cushing Hwy  
Scituate, Massachusetts 02066  
Phone: 781-545-8730  
FAX: 781-545-8704

**Accessory Dwelling Special Permit – 184 Country Way  
Decision: APPROVED with Conditions**

Owner: Robert and Mary Rappold  
Applicant: Robert and Mary Rappold  
Date: May 29, 2018  
Location: 184 Country Way  
Assessor's Map: # 48-2-2

Plans: Plans Proposed Addition 184 Country Way Assessor's Parcel: 48-2-2 Scituate, MA by mr Surveying, Inc. dated 1/7/2011; Architectural Plans by Rockwood Design, Inc. dated 10-14-10 consisting of 10 sheets for Bob and Mary Rappold including 3D Renderings, Elevations, Floor Plans, Floor Plans, Foundation Plan, Sections, 1<sup>st</sup> Floor Framing Plans, Ceiling Framing Plans, Roof Framing Plans and untitled sheet.

Members Hearing Special Permit Application: Stephen Pritchard, Ann Burbine, Benjamin Bornstein and Patricia Lambert.

**Background:** The property is located in the Residential R-2 Zoning District and Water Resource Protection District on a lot of 29,084 sq. ft. The accessory dwelling is approximately 830 sq. ft. and located on the first floor of an existing single family home. The accessory dwelling currently exists and was built in 2011; however a misunderstanding occurred between the applicant and the builder and a permit was never obtained. The accessory dwelling is a one bedroom unit on the first floor with a kitchen/living room/1 bedroom and bathroom and deck. Based on a floor plan submitted by the applicant, the interior floor space of the accessory dwelling is approximately 830 sq. ft. It is proposed to be authorized as a second legal living unit on the same lot through approval of an

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accessory dwelling special permit by the Planning Board. The floor area of the accessory dwelling will be 35% of the floor area of the primary dwelling which is less than 40% as allowed in the zoning by law. The applicants have signed a notarized statement that they will occupy one of the dwelling units on the property.

**Procedural Summary:** This request for a Special Permit was filed with the Town Clerk and the Planning Board on April 12, 2018. A Public Hearing before the Planning Board was duly advertised and notices sent to all abutters in accordance with MGL Chapter 40A. The hearing was opened on May 24, 2018 and closed on the same date when the Planning Board approved the Special Permit with conditions including the Planning Board standard conditions.

**Hearing Summary:** The public hearing was opened on May 24, 2018 with Mary Rappold and Carol Sullivan were present for the applicant. The same night, the Planning Board approved the accessory dwelling special permit with conditions.

**Public Comment:** The Planning Board received no major comments in favor or opposed to the application. The Board of Health commented that the site is on town sewer and if the accessory unit is rented it must meet health code standards.

**Findings of fact:** A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 184 Country Way:

1. On April 12, 2018, Robert and Mary Rappold applied for a special permit for an accessory dwelling within a single family home on the property at 184 Country Way.
2. Based on a floor plan submitted by the applicant, the interior floor space of the proposed accessory dwelling will be approximately 830 sq. ft. This is 35% of the total square footage of the primary dwelling which is 2,368 sq. ft. and meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings.
3. The Accessory Dwelling Site Plan and architectural plans show a two car garage and paved driveway which appears capable of providing two outside parking spaces. This appears adequate to provide two parking spaces for the accessory dwelling and parking for the primary dwelling.
4. The owners have submitted a signed, notarized statement that they will live on the property.
5. The main dwelling and the accessory dwelling will be serviced by town sewer and water.
6. The exterior stairs serving the accessory dwelling are on the side and rear of the house.
7. The application meets the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

**Decision:** A motion was duly made and seconded to approve the Special Permit for an accessory dwelling at 184 Country Way with the following conditions and standard conditions for accessory dwellings approved by the Planning Board after a public hearing on 12/17/15:

1. Except for any changes necessary to meet these conditions, any construction shall conform to the plans entitled Plans Proposed Addition 184 Country Way Assessor's Parcel: 48-2-2 Scituate, MA by mr Surveying, Inc. dated 1/7/2011; Architectural Plans by Rockwood

Design, Inc. dated 10-14-10 consisting of 10 sheets for Bob and Mary Rappold including 3D Renderings, Elevations, Floor Plans, Foundation Plan, Sections, 1<sup>st</sup> Floor Framing Plans, Ceiling Framing Plans, Roof Framing Plans and untitled sheet.

2. The number of bedrooms in the accessory dwelling is limited to one in the location and size indicated on the floor plan submitted with the application.
3. The accessory dwelling shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire and health codes and bylaws.
4. Construction work shall not begin prior to 7:00 am weekdays and 8:00 am on Saturdays and shall cease no later than 7:00 pm or sunset whichever is earlier. No construction shall take place on Sundays or legal/federal holidays. Construction includes idling of vehicles, delivery of materials to the site and all other construction activities.
5. The standard conditions for accessory dwellings approved by the Planning Board shall be conditions of this decision and shall be included for recording at the Registry of Deeds.
  - A. The applicant shall meet all requirements of the Building Department, Board of Health, Department of Public Works, Fire Department, Water Department, Conservation Commission and other town agencies.
  - B. The property shall contain a maximum of two dwelling units, the primary dwelling and the accessory dwelling as proposed. The footprint, number of bedrooms and/or square footage shall not be increased without prior approval of the Planning Board.
  - C. The owner of the property shall reside on the property as long as it contains an accessory dwelling unit.
  - D. The Planning Board may require an on-site inspection for conformance to the approved plans and these conditions prior to the issuance of a Certificate of Occupancy for the accessory dwelling.
  - E. An Accessory Dwelling Special Permit Certification of Ownership and Occupancy signed by any new owner shall be provided to the Planning Board within seven days of the closing of the sale of the house. It is recommended that this be signed at the closing.
  - F. At any time, at the request of the Planning Board the owner shall provide a notarized affidavit indicating that either the primary or accessory unit is owner occupied.
  - G. No on-street parking by occupants of the primary or accessory dwelling shall be permitted at any time.

- H. Construction vehicles/equipment shall not idle, be parked, stored, loaded or unloaded in the street.
- I. This Special Permit shall be void if it is not recorded at the Registry of Deeds within 90 days of the date of filing with the Town Clerk. The owner shall provide proof of this recording to the Planning Board.
- J. This Special Permit shall lapse within two years from the date of its issuance unless substantial use or construction has commenced prior to that time in accordance with MGL Chapter 40A, Section 9.
- K. The Planning Board reserves the right to review compliance with this special permit at any time. This Special Permit shall terminate if the use is not in accordance with this decision and its conditions.

**Vote:**

Based on the Findings of Fact and the evidence and information provided by the applicant and obtained through the public hearings, the members of the Planning Board hearing this application voted unanimously to approve the Special Permit for an Accessory Dwelling at 184 Country Way with the conditions noted above.

5/24/18

Date

SCITUATE PLANNING BOARD



Patricia A. Bennett  
Spencer K. Pritchard

Anna Burbises

This decision was filed with the Town Clerk on

5/29/2018

date

Appeal of this special permit may be made pursuant to M.G.L. Chapter 40A, Section 17, and shall be filed in a court of competent jurisdiction. Proof of that filing shall be provided to the Town Clerk within twenty (20) days of the date of the filing of the decision with the Town Clerk.

This special permit will not become effective until such time as an attested copy of this decision has been filed with the Plymouth County Registry of Deeds, after the expiration of the appeal period of twenty (20) days.

The Planning Board certifies that it has complied with all statutory requirements of MGL Chapter 40A, Sections 9 and 11, and will file copies of this decision with the Town Clerk. The Planning Board further certifies that it has taken into consideration all testimony rendered at the Public Hearing, the comments and suggestions of other boards which have reviewed and made comments on the plans